

Order Number 9-2 (Formerly DO-158, Rev. 2)

Effective Date: December 6, 2006

Initiate Investigations and Seize and Forfeit Property under the Money Laundering Control Act and Bank Secrecy Acts

- (1) **Authority:** To initiate investigations of violations of 18 U.S.C. § 1956 and 18 U.S.C. § 1957 where the underlying conduct involves violations of Title 26 or 31 U.S.C. §§ 5311-5328 (other than violations of 31 U.S.C. § 5316).
- (2) **Delegated to:** Special Agents in Charge and Lead Development Center Supervisory Special Agents.
- (3) **Authority to:**
 - a. Seize property under 18 U.S.C. § 981 and 31 U.S.C. § 5317 for forfeiture to the United States when it relates to violations of 31 U.S.C. § 5313 and 31 U.S.C. § 5324.
 - b. Seize property under 18 U.S.C. § 981 for forfeiture to the United States when it relates to violations of U.S.C. § 1956 and U.S.C. § 1957 that are within the investigatory jurisdiction of IRS.
 - c. Seize property under 18 U.S.C. § 981 when it relates to violations of 18 U.S.C. § 1956 and U.S.C. § 1957 that are not within the investigatory jurisdiction of IRS, but only if the bureau with investigatory authority is not present to make the seizure. Property seized under 18 U.S.C. § 981 where the investigatory jurisdiction is solely with another bureau not present at the time of the seizure shall be turned over to that bureau.
 - d. Notify (subject to the limitation imposed by I.R.C. § 6103) another Treasury bureau of, and invite them to participate in, an authorized investigation, if at any time during the investigation, evidence is discovered that relates to a matter within the jurisdiction of the other bureau.
 - e. Estimate the value of seized property and, if valued at \$500,000 or less, prepare a list of seized property, order an appraisal, and attest to the list and appraisal.
 - f. Publish a notice of seizure and cause notice of sale of seized property to be placed in accordance with federal regulations.
- (4) **Delegated to:** Special Agents.
- (5) **Authority to:**
 - a. Approve administrative forfeiture agreements negotiated by the U.S. Attorney (under the terms and conditions mentioned in Section III, Directive 91-15 issued by the Department of Justice Executive Office for Asset Forfeiture) in situations where a claim has been filed and the claimant withdraws the claim pursuant to the agreement.
 - b. Make a recommendation to his/her immediate supervisor on administrative forfeitures resulting from an agreement described in the preceding paragraph.
 - c. Sign title and transfer documents to transferees or purchasers of forfeited property, including real property.
 - d. Notify petitioner or offeror of the action taken on the petition or offer.
 - e. Grant or deny hardship requests.
- (6) **Delegated to:** Special Agents in Charge.

(7) Authority to:

- a. Exercise the authority of the Commissioner concerning the disposition of property seized under this order, including authority concerning the disposition of perishable goods.
- b. Execute the declaration of forfeiture showing that personal property with an appraised value of \$500,000 or less and any monetary instrument (including currency), regardless of value has been forfeited to the United States.
- c. Execute Form 9445, Declaration of Abandonment, Vesting Title in the United States.

(8) Delegated to: Directors, Field Operations.

(9) Authority to:

- a. Retain or equitably transfer property valued at less than \$1,000,000 and forfeited pursuant to 18 U.S.C. § 981 to any Federal, state or local law enforcement agency that participated directly in any acts which led to the seizure for forfeiture of the property in a manner which reflects the agency's level of contribution.
- b. Determine the terms and conditions for an equitable transfer of property as described in the preceding paragraph.
- c. Extend by 30 days, the period for issuing the statutory notice to interested parties.

(10) Delegated to: Director, Warrants and Forfeitures.

(11) Authority to:

- a. Allow or deny petitions for remission or mitigation of forfeiture of property seized under 18 U.S.C. § 981, when the property is valued at \$500,000 or less.
- b. Accept or reject any offer in compromise of the liability associated with the forfeiture of personal property.
- c. Authorize Special Agents in Charge to notify petitioner or offeror of the action taken on the petition or offer.

(12) Delegated to: Deputy Director, Operations Policy and Support.

(13) Redelelegation: The authorities delegated in this order may not be redelegated.

(14) Source of Authority: Treasury Directive 15-42.

(15) To the extent that the authority previously exercised consistent with this order may require ratification, it is hereby approved and ratified. This supersedes Delegation Order No. 158 (Rev. 2).

Signed: Kevin M. Brown, Deputy Commissioner for Services and Enforcement